

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DIANE MURPHY,

Plaintiff,

v.

Case No. 1:05-cv-443-W

ADVANCE AMERICA CASH
ADVANCE CENTERS OF ALABAMA,

JURY DEMANDED

Defendant.

DEFENDANT’S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 41(b)

Defendant, Advance America Cash Advance Centers of Alabama, moves to dismiss this matter with prejudice pursuant to Federal Rule of Civil Procedure 41(b) due to Plaintiff’s failure to comply with this Court’s orders to complete an agreed settlement and file a motion for voluntary dismissal with the Court. The Court’s orders required this to be accomplished initially by November 30, 2006 and then by order of December 4, 2006, an extension until December 14, 2006 was granted. Further, Plaintiff failed to move, pursuant to Federal Rule of Civil Procedure 6(b), for an extension of time prior to the expiration of the current due date or otherwise show “good cause” why a second extension should be granted. The grounds for this motion are more fully set forth in the memorandum filed herewith.

Respectfully submitted,

By: s/ James R. Mulroy, II
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2006, I electronically filed the foregoing **DEFENDANT'S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 41(b)** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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s/ James R. Mulroy, II